

REMARKS

Claims 1-16, 29 and 31-35 are pending. No new matter has been added by way of the present amendment. For instance, claims 1-12 and 29 have been amended to reference a “compound” rather than a “dye-forming coupler”. The proviso language of claim 13 has been modified as supported by the present specification at page 45, lines 2-6. Also, claims 31 and 32 have been amended to clarify the nature of the relationship between the dissociation group and X1. Lastly, newly added claims 33, 34 and 35 are supported by claims 1, 5 and 9, respectively as previously pending as well as the present specification. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issue under 37 C.F.R. §1.75

At page 2 of the outstanding Office Action the Examiner asserts that if claims 1-12 and 29 are found allowable, claims 17-28 and 30 will be objected to as being substantial duplicates thereof. Applicants traverse, however, in an effort to expedite prosecution, claims 17-28 and 30 are cancelled herein. Therefore, this issue is moot.

Provisional Obviousness-type Double Patenting

The Examiner has provisionally rejected claims 1-32 under the judicially-created doctrine of obviousness-type double patenting as being obvious over claims 7-12 and 14-22 of copending Application No. 10/679,495.

The Examiner has also provisionally rejected claims 1-32 under the judicially-created doctrine of obviousness-type double patenting as being obvious over claims 1-3 of copending Application No. 10/669,414.

Lastly, the Examiner has provisionally rejected claims 1-32 under the judicially-created doctrine of obviousness-type double patenting as being obvious over claims 1-6, 13-21, 25-27, 31, 32, 35 and 36 of copending Application No. 10/125,548.

Applicants respectfully traverse each of the above provisional rejections.

Attached hereto is a Terminal Disclaimer directed to copending Application Nos. 10/679,495, 10/669,414 and 10/125,548. The Examiner is therefore respectfully requested to withdraw these rejections.

In view of the above Applicants respectfully submit that the present application is in condition for allowance. Therefore, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

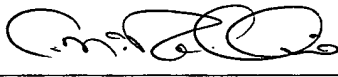
CONCLUSION

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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